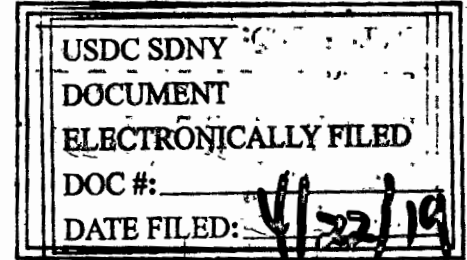


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



WINKLEVOSS CAPITAL FUND, LLC,

Plaintiff,

v.

CHARLES SHREM,

Defendant.

Case No. 18-cv-8250 (JSR)

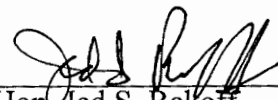
**[PROPOSED] ORDER ON  
UNDERTAKING**

On October 26, the Court issued an Order for Prejudgment Attachment. Pursuant to that Order, Plaintiff Winklevoss Capital Fund ("WCF") was required to post an undertaking of \$10,000 to satisfy Defendant Charlie Shrem's costs, including reasonable attorneys fees. Dkt. No. 30, p. 3-4; *see also* N.Y. C.P.L.R. § 6212(b) (requiring plaintiff to post an undertaking where moving ex parte for prejudgment attachment).

After the Court denied Plaintiff WCF's motion to approve prejudgment attachment, Dkt. No. 52, and subsequently ordered WCF to pay Shrem's reasonable attorneys fees in connection with the motion for prejudgment attachment, Dkt. No. 98, WCF paid such fees directly to Shrem without using the undertaking deposited with the Court.

The Court having denied WCF's motion to confirm prejudgment attachment, and WCF having satisfied its obligation to pay Shrem's attorneys fees and costs associated with prejudgment attachment, there is no further reason for an undertaking from WCF.

The Clerk is ORDERED to release and refund WCF's undertaking in the amount of \$10,000.

  
Hon. Jed S. Rakoff  
United States District Judge  
Dated: April 18, 2019